

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

FUND TEXAS CHOICE, et al.,
Plaintiffs,

v.

JOSÉ GARZA, in his official capacity as
Travis County District Attorney, et al.,
Defendants.

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CIVIL ACTION NO.
1:22-CV-00859-RP

**PROSECUTOR DEFENDANTS’ ADVISORY AND SUPPLEMENTAL UNOPPOSED
FIRST MOTION TO AMEND THE SCHEDULING ORDER**

TO THE HONORABLE JUDGE OF THIS COURT:

Defendants Susan R. Deski, Julie Renken, Wiley B. “Sonny” McAfee, José Garza, Fred H. Weber, Joe Gonzales, Toribio Palacios, K. Sunshine Stanek, Gocha Allen Ramirez, Bill D. Hicks, Richard E. Glaser and Ryan Sinclair (remaining “Prosecutor Defendants”) respectfully submit this Advisory and Supplemental Unopposed Motion to Amend the Court’s Scheduling Order of June 28, 2024 (Doc. 401). The current deadline for the dispositive motion deadline is September 9, 2024. The Prosecutor Defendants would show the Court the following:

1. On August 30, 2024, Defendant DA Jacob Putman and Plaintiffs filed a Joint Motion to Amend the Scheduling Order requesting that the Court “extend the discovery cutoff solely for the already-noticed depositions until November 1, 2024, and also jointly request that the Court amend the Amended Scheduling Order (Doc. 401) to extend the dispositive motion deadline and the deadline for Defendant Putman’s response to Plaintiffs’ motion for summary judgment until November 20, 2024. noticed the depositions of all Plaintiffs several weeks ago.” [Doc. 446]. The

Motion to Amend the Scheduling Order specifically states that it does “not include[e] all other defendants in the case.” *Id.*

2. On September 5, 2024, the remaining District Attorney and/or County Attorney Defendants filed a motion requesting that the Court also amend the Amended Scheduling Order (Doc. 401) to extend the dispositive motion deadline until November 20, 2024. [Doc. 448]. On September 9, 2024, Plaintiffs’ counsel advised the Prosecutor Defendants that they were unopposed to the Motion filed on September 5, 2024. [Doc. 448].

3. As of the time of filing of this Advisory and Supplemental Unopposed Motion to Amend the Court’s Scheduling Order (of June 28, 2024), the Court has not ruled on either Plaintiffs and Defendant DA Putman’s Joint Motion to Amend the Scheduling Order (Doc. 446) or Prosecutor Defendants’ First Motion to amend the Scheduling Order. [Doc. 448]. The Dispositive Motions deadline is today, Monday, September 9, 2024.

4. Both of these motions were filed, *inter alia*, to ensure judicial economy and court efficiency in order to establish consistent deadlines for all parties in filing dispositive motions, responses and replies. The filing parties further assert the requested extensions are consistent with principles of fundamental fairness and do not believe that the extension prejudices any other party or the operations of the Court. In light of these factors, should the Court deny the Motion for Extension filed by the Prosecutor Defendants, it is requested that the prosecutor defendants be granted a minimum of seven (7) business days following the denial of the First Motion for Extension (Doc. 448) in order to file their respective dispositive motions in this matter.

CONCLUSION

For these reasons, Prosecutor Defendants request that the Court grant their Motion to Amend the Scheduling Order, setting the dispositive motion deadline for November 20, 2024. In the alternative, should the Court deny the Motion for Extension filed by the Prosecutor Defendants, it is requested that the prosecutor defendants be granted a minimum of seven (7) business days following the denial of the First Motion for Extension (Doc. 448) in order to file their respective dispositive motions in this matter.

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Respectfully submitted,

/s/ J. Eric Magee

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CERTIFICATE OF CONFERENCE

I hereby certify that on September 9, 2024, counsel for Plaintiffs notified counsel for Defendants that they were agreeable to an extension of time for the dispositive motion deadline. On September 5, 2024; (1) Defendant Putman's counsel was agreeable to an extension of time for the dispositive motion; and (2) SB 8 Defendants' counsel was agreeable to an extension of time for the dispositive motion.

/s/ Anthony J. Nelson
Anthony J. Nelson

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of September, 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Anthony J. Nelson
Anthony J. Nelson